IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24860 of 2004

Between:

Namburi Venkata Subba Raju, s/o Venkatapathi Raju,
r/o Pothumarru Village, Bhimavaram Mandal, W.G.District.

..... PETITIONER

AND

1 Commissioner, Prohibition & Excise, Nampally, Hyderabad.
2 Joint Commissioner (Headquarters) o/o the Commissioner of Prohibition & Excise,
Andhra Pradesh, Hyderabad.
3 Prohibition & Excise Superintendent, Eluru, W.G.District.
4 Rama Devi Wines, License No.639/98-99 Mypa, Village Plakoderu Mandal,
W.G.District rep., by its License Holder Sri A.Yesu Babu, r/o Bondadapeta, Kalla Mandal, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in issuing proceedings in Rc.No.20268/04/CPE/G3 dated 20.12.2004 and granting permission to the fourth respondent for shifting of his IL-24 license shop to Kumudavalli village without considering or processing the petitioner's application as being illegal, arbitrary, discriminatory and unconstitutional and to set aside the same and further direct the respondents to consider the petitioner's application dated 27.11.2004 for shift of the petitioner's IL-24 license to Kumudavalli and pass such further order or orders.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

The petitioner is an existing IL 24 licencee, having his shop in Bhimavaram of West Godavari District. He intended to shift his shop to Kumudavalli village of Palakoderu Mandal, West Godavari District. His grievance is that without considering his application, the representation of the fourth respondent, an FL 24 licencee at Mypadu village of Palakoderu Mandal, was considered and it was accorded permission to shift to that place, through proceedings dated 20.12.2004. It is also represented that though the said proceedings were set aside by this Court in a different writ petition, a direction needs to be issued to respondents 1 to 3 to consider the application of the petitioner, independently.

Heard the learned counsel for the petitioner, the learned Government Pleader for Prohibition & Excise and Smt. Jhansi, learned counsel for the fourth respondent.

The matter relating to shifting of existing FL 24 shops is governed by Rule 35 of the Indian Liquor and Foreign Liquor Rules, 1970. The Rule is amended from time to time, providing the guidelines. The question as to whether who, among the petitioner and the fourth respondent are entitled to be accorded permission to shift their shops to Kumudavalli village, needs to be considered by respondents 1 and 3. This Court cannot record any finding. However, it becomes necessary for them to consider the applications, duly taking into account the representations that are made by the affected parties, without any undue delay.

For the foregoing reasons, the writ petition is disposed of without expressing any opinion as to the entitlement of the writ petitioner or the fourth respondent for shifting the shop; directing the respondents 1 and 3 to consider the application of the petitioner also for shifting of his shop to Kumudavalli village in accordance with the Rules and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this order. There shall be no

order as to costs.

08.02.2005

ksld

To

1 Commissioner, Prohibition & Excise, Nampally, Hyderabad.
2 Joint Commissioner (Headquarters) o/o the Commissioner of Prohibition & Excise,
Andhra Pradesh, Hyderabad.
3 Prohibition & Excise Superintendent, Eluru, W.G.District.
4 Two CCs. to the G.P. for Prohibition & Excise, High Court of A.P., Hyderabad (OUT).

5 Two CD copies.